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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,864	02/24/2004	Hiroshi Miyanari	B588-561 (25815.573)	3636
26272 7590 06/24/2009 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER				
KHAN, USMAN A				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
06/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,864

Applicant(s)

MIYANARI ET AL.

Examiner

USMAN KHAN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 12 and 13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02/24/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Response to Arguments

1. Applicant's argument filed on 04/03/2009 with respect to newly added claim 12 - 13 has been considered but is moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12 – 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Limitations in the claims 12 - 13 (i.e. generating two-dimensional correction data by expanding the one-dimensional correction) are not disclosed in the original submission dated 02/24/2004. These claims are subjected to new subject matter rejection. If applicant believes that these limitations were disclosed in the original submission dated 02/24/2004 applicant is asked to kindly specifically point to the specific sections in the original submission and discuss the newly added limitations.

Claims 12 - 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Each of claims 12 - 13 claims "generating two-dimensional correction data by expanding the one-dimensional correction", after a review of the specification as filed there is no discussion in the specification of the steps or methods used for generating and expanding in the claimed subject matter when relating to generating two-dimensional correction data, How is the claimed "generating two-dimensional correction data by expanding the one-dimensional correction" generated and expanded?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 - 13 are rejected under 35 U.S.C. 102(b) as being anticipated by SHIOMI (JP2001016509A).

Regarding **claim 12**, SHIOMI teaches an image sensing apparatus (paragraphs 0029 – 0030) comprising:

a plurality of pixels arrayed in a horizontal and a vertical direction (paragraphs 0029 – 0030; pixels arranged in two dimensions);

a storage unit configured to store a plurality of one-dimensional correction data in accordance with a plurality of image sensitivity settings (paragraphs 0029 – 0040; one-dimensional correction data);

a setting unit configured to set image sensitivity (paragraphs 0046, 0063 – 0076; sensitivity);

a calculating unit configured to generate two-dimensional correction data by expanding the one-dimensional correction data stored in the storage unit (paragraphs 0029 *et seq.* correcting in the horizontal and vertical direction using correction/amendment data);

a correction unit configured to correct image data outputted from the plurality of pixels by using the two-dimensional correction data generated by the calculating unit; and (paragraphs 0029 *et seq.* correcting in the horizontal direction and vertical direction using correction/amendment data).

a control unit configured to read the one-dimensional correction data from the storage unit in accordance with the image sensitivity set by the setting unit, and control the calculating unit so as to generate the two-dimensional correction data by expanding the read one-dimensional correction data (paragraphs 0041, 0056 – 0061).

Regarding **claim 13**, SHIOMI teaches a control method for an image sensing apparatus (paragraphs 0029 – 0030) which comprises a plurality of pixels arrayed in a

horizontal and a vertical direction (paragraphs 0029 – 0030; pixels arranged in two dimensions), a storage unit configured to store a plurality of one-dimensional correction data in accordance with a plurality of image sensitivity settings (paragraphs 0029 – 0040; one-dimensional correction data), and a setting unit configured to set image sensitivity (paragraphs 0046, 0063 – 0076; sensitivity), the method comprising:

reading the one-dimensional correction data from the storage unit in accordance with the image sensitivity set by the setting unit (paragraphs 0029 – 0040; one-dimensional correction data);

generating two-dimensional correction data by expanding the read one-dimensional correction data (paragraphs 0029 *et seq.* correcting in the horizontal direction and vertical direction using correction/amendment data);

correcting image data outputted from the plurality of pixels by using the generated two-dimensional correction data (paragraphs 0029 *et seq.* correcting in the horizontal direction and vertical direction using correction/amendment data).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5. a shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first

reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Fri 6:45-3:15.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/
Usman Khan
06/17/2009
Patent Examiner
Art Unit 2622

/Jason Chan/
Supervisory Patent Examiner, Art Unit 2622